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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,392	06/19/2006	Gary Wingett	042933/311926	8170
826	7590	03/04/2008	EXAMINER	
ALSTON & BIRD LLP			FISHMAN, MARINA	
BANK OF AMERICA PLAZA				
101 SOUTH TRYON STREET, SUITE 4000			ART UNIT	PAPER NUMBER
CHARLOTTE, NC 28280-4000			2832	
			MAIL DATE	DELIVERY MODE
			03/04/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/583,392	WINGETT, GARY	
	<b>Examiner</b>	<b>Art Unit</b>	
	MARINA FISHMAN	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 January 2008.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 6-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***General status***

1. This is a Final Action on the Merits. Claims 1 – 4 and 6 - 19 are pending in the case and are being examined.

It is noted that all documents filed 01/03/2008 have Sr. No. 10/234,515 (should be 10/583,392) on the header. The applicant is required to make a note of it and use correct Sr. No. in the subsequent correspondence.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 - 4, 6 – 12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Meirion et al. [GB 2054268].

Regarding Claim 1 Meirion et al. disclose an annular dome switch having:

- an upper dome sheet [3] ;
- an underlying substrate [5], wherein the upper dome sheet extends from the underlying substrate defining a raised cross-sectional shape, the raised cross-sectional shape extending at least substantially along a length of an annular shaped path.

Regarding Claim 2 Meirion et al. disclose the dome switch surrounds at least one other dome switch. Regarding Claims 3 and 4, Meirion et al. disclose the dome

switch comprises partial or complete annulus [complete annulus includes a partial annulus]. Regarding Claim 6, Meirion et al. disclose a select means [key board, page 1, line 115-116] is activated upon actuation of the annular dome switch. Regarding Claim 12, Meirion et al. disclose an input apparatus comprising an annular dome switch [keyboard, page 1, line 115-116]. Regarding Claim 18, Meirion et al. disclose the activation of the dome switch comprises temporarily modifying the electrically conductive or electrically capacitive properties of an electronic element.

4. Claims 1 - 4, 6, 12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto [US 5,744,765].

Regarding Claim 1 Yamamoto discloses an annular dome switch having:

- an upper dome sheet [5] ;
- an underlying substrate [2], wherein the upper dome sheet extends from the underlying substrate defining a raised cross-sectional shape, the raised cross-sectional shape extending at least substantially along a length of an annular shaped path.

Regarding Claim 2 Yamamoto discloses the dome switch surrounds at least one other dome switch [3, 8]. Regarding Claims 3 and 4, Yamamoto discloses the dome switch comprises partial or complete annulus [complete annulus includes a partial annulus]. Regarding Claim 6, Yamamoto discloses a select means [8, 12] is activated upon actuation of the annular dome switch. Regarding Claim 12, Yamamoto discloses an input apparatus comprising an annular dome switch as claimed in claim 1. Regarding Claim 18, Yamamoto discloses the activation of the dome switch comprises temporarily

modifying the electrically conductive or electrically capacitive properties of an electronic element.

5. Claims 13 – 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Chandler [US 4,246,452].

Regarding Claim 13 Chandler discloses an input apparatus for a multimedia device comprising:

- a rotator wheel [22] having an upper planar surface that is substantially annular in shape and exposed in order that the upper planar surface may be accessed by a user of the multimedia device;
- means for detecting rotational movement [Figure 6, decoder, processor] of the rotator wheel about an axis perpendicular to the upper planar surface of the rotator wheel; and select means [48, 50] activated when a pressure is applied to the upper surface of the rotator wheel in a direction substantially parallel [vertical] to an axis perpendicular to the upper planar surface of the rotator wheel.

Regarding Claim 14, Chandler discloses means to detect rotational movement of the rotator wheel [Figure 6]. Regarding Claim 15, Chandler discloses the means to detect rotational movement comprises conductive tracks [62, 64, Figure 4]. Regarding Claim 17, Chandler discloses a tactile response of the select means is substantially the same over all of the rotator wheel [due to uniform construction].

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 7 -11, 13, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto [US 5,744,765] in view of Chandler [US 4,246,452].

Regarding Claims 7 – 11 and 13 disclose the instant claimed invention except for a rotator wheel. Chandler discloses a rotator wheel [22] to activate the switches. Yamamoto discloses switch to be an annular switch and Chandler discloses rotator wheel with a planar upper surface, which is exposed and can be accessed by a user. Chandler also discloses use of decoder and processor to detect the rotational movement of the wheel. Therefore, it would have been obvious to one of ordinary skill in the art to use a rotator wheel, instead of tilting knob, in Yamamoto, as suggested by Chandler, so as to provide a directional signal control [Chandler column 2, line27-28]. Regarding Claim 16, the bridge contact disclosed by Yamamoto though stationary, providing bridge contact on pushing section [33] would be a matter of design choice, so as to reduce number of parts. Regarding Claim 19, Yamamoto discloses the upper dome sheet that extends from the underlying substrate defining a raised cross-section shape, the raised cross-section shape extending at least substantially along a length of an annular shaped path.

***Response to Arguments***

8. Applicant's arguments with respect to claim 1 – 4 and 6 - 19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARINA FISHMAN whose telephone number is (571)272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marina Fishman/  
Examiner, Art Unit 2832  
February 25, 2008

/K. Richard Lee/  
Acting SPE of Art Unit 2832